

APPENDIX A  
DETERMINATION OF ELIGIBILITY  
AND  
FINDING OF EFFECT

## Appendix A - Determination of Eligibility and Finding of Effect



State of Utah

JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

### DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.  
Executive Director

CARLOS M. BRACERAS, P.E.  
Deputy Director

March 8, 2006

Mr. J. Cory Jensen  
Architectural Historian/  
National Register & Survey Coordinator  
State Historic Preservation Office  
300 Rio Grande  
Salt Lake City, UT 84101-1182

RE: **Letter Addendum.** Project No. Project #: SP-0026(4)0: SR-26 (Riverdale Road)  
From 1900 West to Washington Boulevard, Weber County, Utah.

Dear Mr. Jensen,

This letter is an addendum to the DOE FOE issued on January 5, 2006 for the subject project. Three properties eligible to the National Register of Historic Places (4247 Riverdale Road, 4239 Riverdale Road, and 3920 Riverdale Road) have recently been razed by private developers and, thus, should be removed from the NRHP eligibility list. The property at 1403 Riverdale Road will be avoided with a retaining wall built within UDOT's current right-of way.

Therefore, the UDOT finds that the project will have No Effect on these four properties. If you have any questions regarding this addendum, please feel free to call me at 801-620-1635.

Respectfully,

Michelle Knoll  
UDOT Region 1, NHPA Specialist

Cc. D. Adamson, UDOT R1, Project Manager  
C. Lizotte, UDOT R1, Environmental Manager  
R. Ostop, Washington Group

Region One Headquarters, 166 West Southwell Street, Ogden, Utah 84404  
telephone 801-620-1600 • facsimile 801-620-1655 • www.udot.utah.gov



State of Utah

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### DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.  
Executive Director

CARLOS M. BRACERAS, P.E.  
Deputy Director

January 5, 2006

Mr. J. Cory Jensen  
Architectural Historian/  
National Register & Survey Coordinator  
State Historic Preservation Office  
300 Rio Grande  
Salt Lake City, UT 84101-1182

RE: Project #: SP-0026(4)0: SR-26 From 1900 West to Washington Boulevard, Weber County, Utah. Finding of **No Adverse Effect** and **Adverse Effect**.

Dear Mr. Jensen,

The Utah Department of Transportation (UDOT) is preparing to undertake the subject state and federal-aid project. As per our telephone conversation, the following DOEFOE is a revised version of the original DOEFOE issued to your office on January 22, 2004 and signed by Barbara Murphy on March 17, 2004. Reasons for the revision include the destruction of several historic properties by private owners, the decision to remove some properties from the NRHP eligibility list, and the decision to include in this report only those properties that are within the project APE and have the potential to be affected by the project. This has streamlined the report considerably to a more reasonable and accurate depiction of the reality of this project.

The UDOT has made an effort to consider the effects of this undertaking on historic or archaeological resources, which could be eligible for the State or National registers, located within the project APE and to afford the Utah State Historic Preservation Office (USHPO) an opportunity to comment on the undertaking and its effects, as outlined in U.C.A. 9-8-404. In addition, as part of the project development process, the UDOT is complying with Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulation, 36 CFR Part 800. This compliance is being conducted by UDOT on behalf of the Federal Highway Administration, Utah Division (FHWA). Please review the attached DOE-FOE and, providing you agree with the finding contained therein, sign and date the signature line at the end of this letter.

Region One Headquarters, 166 West Southwell Street, Ogden, Utah 84404  
telephone 801-620-1600 • facsimile 801-620-1655 • www.udot.utah.gov

DOE FOE COVER LETTER

STP-0108(11)8: 200 WEST (SR-108), CLINTON, DAVIS COUNTY, UT

The UDOT, in coordination with the Federal Highway Administration (FHWA), is proposing transportation improvements along SR-26 (Riverdale Road) in Weber County, from SR-126 (1900 West) in Roy to Washington Boulevard (US-89) in Ogden. The proposed action involves constructing additional through lanes, dedicated right turn and dual left turn lanes, and shoulders. The pavement would be rehabilitated and signals would continue to be coordinated and updated to current UDOT standards in order to accommodate the new through lanes and the dedicated turn lanes. Additional bus routes would be implemented along Riverdale Road as part of the UTA regional bus service. The interchange at I-84 would be reconstructed to a SPUI.

As stated in the DOE-FOE, the effort to identify and evaluate all historic, archaeological, and paleontological resources within the Area of Potential Effects (APE), as defined by 36 CFR 800.16(d) has been completed and reported by:

Polk, Polk, and Johnson

2003 *A Cultural Resource Inventory and Reconnaissance Level Survey for the Riverdale Road Project in Ogden, South Ogden, Riverdale and Roy, Weber County, Utah*

Of the 78 historic properties recorded, 29 are located within the project APE and 22 of these properties are eligible for the National Register of Historic Places. Five alternatives are represented in the following DOEFOE. Of the NRHP-eligible properties, the implementation of Alternative A will result in an **Adverse Effect** for 2 properties. The implementation of Alternatives B, C, and D will result in a finding of **Adverse Effect** for 1 property. The implementation of Alternative E will result in a finding of **No Adverse Effect** for 5 of the properties.

In addition, based on the above criteria and the Determinations of Eligibility and Finding of Effect presented in this document, the FHWA has determined that a "use" of some properties will occur, depending on the alternative chosen. If Alternative A is implemented, section 4(f) considerations apply to historic properties 42Wb343, 3555 Riverdale Rd., 4247 Riverdale Rd., 3802 Riverdale Rd., and 4239 Riverdale Rd. If Alternative B is implemented, section 4(f) considerations apply to historic properties 3555 Riverdale Rd., 4247 Riverdale Rd., 4239 Riverdale Rd., 3802 Riverdale Rd. If Alternative C or D is implemented, section 4(f) considerations apply to historic properties 3555 Riverdale Rd., 4247 Riverdale Rd., 4239 Riverdale Rd., 3920 Riverdale Rd., and 3802 Riverdale Rd. If Alternative E is implemented, section 4(f) considerations apply to historic property 3802 Riverdale Rd.

Please review the information contained in the attached DOE-FOE and, providing you agree with the UDOT finding, sign and date the signature line at the end of this letter. Thank you for your efforts on our behalf. If you have any questions, please contact me at 620-1635.

DOE FOE COVER LETTER

STP-0108(11)8: 200 WEST (SR-108), CLINTON, DAVIS COUNTY, UT

Sincerely,

*Michelle Knoll*

Michelle Knoll  
UDOT Regional Preservation Specialist  
Region 1

Cc:

Sandra Aline-Garcia, FHWA (w/ attachments)  
David Adamson, UDOT Project Manager (w/o attachments)  
Ron Ostop, Washington Group International (w/ attachments)



DOE FOE COVER LETTER

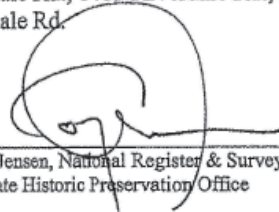
STP-0108(11)8: 200 WEST (SR-108), CLINTON, DAVIS COUNTY, UT

Sincerely,  
  
Michelle Knoll  
UDOT Regional Preservation Specialist  
Region 1

Cc:  
Sandra Aline-Garcia, FHWA (w/ attachments)  
David Adamson, UDOT Project Manager (w/o attachments)  
Ron Ostop, Washington Group International (w/ attachments)

I concur with the finding, as required by Section 106 and U.C.A. 9-8-404, in the Determination of Eligibility and Finding of Effect for Project **SP-0026(4)0: SR-26 From 1900 West to Washington Boulevard, Weber County, Utah**, submitted to the Utah State Historic Preservation Office, which states that the UDOT has determined:

that Alternative A will have an **Adverse Effect** on properties 42Wb343 and 3555 Riverdale Rd., Alternatives B, C and D will have an **Adverse Effect** on property 3555 Riverdale Rd., and Alternative E will have **No Adverse Effect** on properties 3802 Riverdale Rd., 1403 Riverdale Rd., 3920 Riverdale Rd., 4247 Riverdale Rd., and 4239 Riverdale Rd.

  
J. Cory Jensen, National Register & Survey Coordinator,  
Utah State Historic Preservation Office

1/9/2006  
Date

**DETERMINATION OF ELIGIBILITY  
AND  
FINDING OF EFFECT**

for

**SR-26 (Riverdale Road) from 1900 West to Washington Boulevard  
in Roy, Riverdale, South Ogden, and Ogden,  
Weber County, Utah**

Prepared by the  
  
FEDERAL HIGHWAY ADMINISTRATION, UTAH DIVISION  
  
and the  
  
UTAH DEPARTMENT OF TRANSPORTATION

Submitted to the  
  
UTAH STATE HISTORIC PRESERVATION OFFICE  
  
J. Cory Jensen, National Register and Survey Coordinator,  
Utah State Historic Preservation Office

December 28, 2005

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SUMMARY SHEET

1.

Project:

Project No. SP-0026(4)0: SR-26 From 1900 West to Washington Boulevard
2.

Location:

Weber County, Utah.
3.

Funding:

Federal and State.
4.

Lead Federal Agency:

Federal Highway Administration, Utah Division.
5.

Inventory/Evaluation Report(s):

*A Cultural Resource Inventory and Reconnaissance Level Survey for the Riverdale Road Project in Ogden, South Ogden, Riverdale and Roy, Weber County, Utah* (Polk, Polk, and Johnson 2003)
6.

Historic Properties:

See Table 2
7.

NRHP-eligible Properties

See Table 3, Table 4, and Table 5
8.

Affected NRHP-eligible Properties:

See Table 6
9.

Project Effect on NRHP-eligible Properties:

No Effect, No Adverse Effect, and Adverse Effect
10.

Section 4(f) Determination:

Section 4(f) applies to all eligible properties "used" by the build alternatives.
11.

Preferred Preservation Alternative:

Historic American Building Survey (HABS), Historic American Engineering Record (HAER), and/or Utah State Intensive Level Survey (ILS) recordation of historic properties.
12.

Agreement Documents:

Memorandum of Agreement between the FHWA, the USHPO, and the ACHP. Suggested MOA stipulations include the above preservation alternatives, as well as reporting and curation standards, planning for discovery, review of implementation, dispute resolution and contingency plans for handling any Native American human remains discovered. A monitoring plan will be implemented for areas on new alignment.

INTRODUCTION

This documentation is a Determination of Eligibility and Finding of Effect (DOE/FOE) for federal-aid highway project **SP-0026(4)0; SR-26 (Riverdale Road) From 1900 West to Washington Boulevard**. This document specifies consideration given to historic properties in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and 36 CFR 800: Protection of Historic Properties. The Federal Highway Administration, Utah Division (FHWA) is the lead federal agency for purposes of Section 106. The Utah Department of Transportation (UDOT) is the state highway agency coordinating this project, and is the applicant for federal funds. A summary sheet condensing pertinent project data is provided at the beginning of this document to expedite Section 106 and Section 4(f) reviews.

PROJECT

The UDOT, in coordination with the Federal Highway Administration (FHWA), is proposing transportation improvements along SR-26 (Riverdale Road) in Weber County, from SR-126 (1900 West) in Roy to Washington Boulevard (US-89) in Ogden. The proposed action involves constructing additional through lanes, dedicated right turn and dual left turn lanes, and shoulders. The pavement would be rehabilitated and signals would continue to be coordinated and updated to current UDOT standards in order to accommodate the new through lanes and the dedicated turn lanes. Additional bus routes would be implemented along Riverdale Road as part of the UTA regional bus service. The interchange at I-84 would be reconstructed to a SPUI.

The project is situated along both sides of Riverdale Road between SR-126 (1900 West) in Roy and Washington Boulevard (US-89) in Ogden for approximately 6.0 km (3.7 miles). The project area includes the entire Riverdale Road corridor, short segments of 1900 West and Washington Boulevard (which intersect with Riverdale Road), and a block area for a detention basin adjacent to the I-84 Riverdale Road interchanges.

Project Alternatives

A number of concept alternatives were initially considered, but the No Action and Six-Lane Alternative were the only alternatives to be carried forward for further evaluation.

**No Build Alternative** - No construction with routine maintenance.

**Six-Lane Alternative** – The Build Alternative, referred to as the Six-Lane Alternative, consists of constructing additional through lanes, dedicated right turn and dual left turn lanes, and shoulders. The pavement would be rehabilitated and signals would continue to be coordinated and updated to current Utah Department of Transportation (UDOT) standards and to accommodate the new through lanes and the dedicated turn lanes. Additional bus routes would be implemented along Riverdale Road as part of the Utah Transit Authority (UTA) regional bus service. The interchange at U.S. Interstate Highway 84 (I-84), including the ramps and bridge, would be reconstructed to a Single Point Urban Interchange (SPUI). The bridge over the railroad



west of U.S. Interstate Highway 15 (I-15) would be widened. Additional on and off ramps would be constructed at the I-15/Riverdale Road Interchange to provide all turning movements at the interchange. The I-15/Riverdale Road Bridge would be reconstructed to accommodate the new interchange configuration.

As shown in Table 1, sub-alternatives were developed to evaluate whether the roadway should be widened symmetrically or to one side or the other for each of the various sections of roadway along the project route. The sub-alternatives are illustrated graphically in Appendix B: Riverdale Road Alternatives.

Roadway Segments	Six-Lane Sub-Alternatives				
	A	B	C	D	E
1900 West to I-15	Symmetrical				
I-15 to I-84	Symmetrical				
I-84 to 700 West	Symmetrical				
700 West to 600 West	N/A (bridge)				
600 West to Wall Avenue	North Side	Sym.	South Side	South Side	South Side
Wall Ave. to Chimes View Dr.	North Side	Sym.	South Side	Sym.	South Side
Chimes View Dr. to 37 <sup>th</sup> Street	Symmetrical				
37 <sup>th</sup> Street to Harris Street	Symmetrical				South Side
Harris Street to Washington Boulevard	Symmetrical				

Table 1. Six-Lane Widening Sub-Alternatives

Area of Potential Effect

The Area of Potential Effect is defined by the Code of Federal Regulations 36CF800.16(d) as:

the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

The entire Area of Potential Effect (APE), which has been defined for this project as the area within the ROW and its immediate surroundings, has been evaluated for impacts.

HISTORIC, ARCHEOLOGICAL AND PALEONTOLOGICAL RESOURCES

The effort to identify and evaluate all historic, archaeological, and paleontological resources within the Area of Potential Effects (APE), as defined by 36 CFR 800.16(d), was completed and reported by Sagebrush Consultants, L.L.C., in a volume entitled *A Cultural Resource Inventory and Reconnaissance Level Survey for the Riverdale Road Project in Ogden, South Ogden, Riverdale and Roy, Weber County, Utah* (Polk et al. 2003). The inventory and evaluation efforts were conducted in accordance with the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 Federal Register Part IV).

Inventory

In accordance with UDOT regulations, buildings that are at least 45 years old are considered historic properties. A total of 78 in-period buildings, structures, or sites were identified during the cultural resource inventory for this project (Polk et al. 2003). These 78 historic properties include 73 buildings, the Bamberger Railroad, the Weber Canal, an irrigation ditch, and two irrigation structures associated with the Weber-Davis Canal. Only those historic or archeological resources greater than 45 years old and located within the APE, as defined in the previous section, were included for evaluation to the National Register of Historic Places.

Determination of appropriate property boundaries was carried out by the FHWA and the UDOT in consultation with the Utah SHPO. Historic boundaries were established to include the elements of each property that contribute to setting, feeling, and association. These elements include outbuildings, landscape features, natural features, undeveloped farmland associated with agricultural properties, or other elements that contribute to conveying the property's significance.

For residential properties, boundaries were established to include elements of the yard that contribute to the historic setting, feeling, and association. In a limited number of cases, historic boundaries were established to exclude out-of-period outbuildings. For farmsteads, special consideration was given to the contributing nature not only of outbuildings, but also of the agricultural lands (fields) themselves. Open fields contiguous with the parcel on which the farm house and outbuildings were located and belonging to either the same property owner as that of the farm house or an immediate relative were included in the overall historic boundary of the farmstead for consideration of impacts. For commercial properties, both the main building and contributing outbuildings, as well as the functional space surrounding the buildings (i.e. parking areas and tractor-trailer use areas) were included in the historic boundary.



Evaluation

In accordance with 36 CFR 800.4(c), the National Register of Historic Places (NRHP) criteria were applied properties greater than 45 years old and located within the current project APE. Twenty-nine properties met these criteria; 24 are buildings, 2 are structures, and 3 are archaeological sites from the historic period (Table 2 and Exhibit C). Of these 29 properties, 2 archaeological sites, 18 historic buildings, and 2 historic structures are determined to be eligible for nomination to the National Register of Historic Places (NRHP) under one or more criteria. No sensitive paleontological resources were discovered during the survey (Polk et al. 2003). Each of the 22 NRHP-eligible sites within the APE is described in the tables (see Table 3, Table 4, and Table 5) below, either by address or site number.

Property No.	Property Name/Location	Eligible	Property No.	Property Name/Location	Eligible
4	1450 W. Riverdale Rd.	Y	113	3531 Riverdale Rd.	Y
7	1403 W. Riverdale Rd.	Y	117	3505 Washington Blvd.	Y
41	4299 Riverdale Rd.	N	119	3417-3427 Riverdale Rd	Y
42	4265 Riverdale Rd	N	120	3415 Riverdale Rd.	N
46	4247 Riverdale Rd.	Y	218	1900 West Riverdale Rd.	Y
47	4239 Riverdale Rd.	Y	223	1840 W. Riverdale Rd.	Y
82d	3920 Riverdale Rd.	Y	224	5291 S. 1825 W.	Y
94	3802 Riverdale Rd.	Y	225	1805 W. Riverdale Rd.	N
96	3760 Riverdale Rd.	Y	235	5130 South 1700 W.	N
96b	3750 Riverdale Rd.	Y	237	Historic Flume	Y
97	3748 Riverdale Rd.	Y	238	Historic Siphons	Y
98	3730 Riverdale Rd.	Y	239	Bamberger Railroad 42Wb350	Y
108	3555 Riverdale Rd.	Y	300	Weber Canal 42Wb343	Y
108b	3565 Riverdale Rd.	N	None	Irrigation Ditch 42Wb377*	N
110	3560 & 3564 Riverdale Rd.	Y			

\* See Polk, Polk, and Johnson (2003) for more information on this property

Table 2. Historic Properties Within the APE

Sagebrush Consultants, L.L.C., revisited two previously recorded sites, which were determined to be eligible, within the project APE: Site 42Wb343 and Site 42Wb350. Site 42Wb343, the Weber Canal, was determined eligible for nomination to the NRHP in 2001. An addendum to the IMACS form documenting the contributing features of the site within the current project area is included with the cultural resources report (Polk et al. 2003). Site 42Wb350, the Bamberger Electric Railroad/UP Hill Field Branch, was determined eligible for nomination to the NRHP in 2003. The IMACS data for 42Wb350 was not available at the State Historic Preservation Office at the time that the Riverdale Road project report was written. Therefore, Sagebrush Consultants, L.L.C., noted the site during the reconnaissance level survey with the address 1730 West Riverdale Road.

The UDOT has determined that the sites and historic properties within the APE listed in the tables below are at least 45 years of age, possess most of the criteria of integrity, and meet

one or more of the four criteria of significance (A, B, C and D), and are therefore eligible for nomination to the NRHP.

Smithsonian Site No.	Description of Site
42Wb343	Site 42Wb343 consists of a portion of the Weber Canal, which was constructed between 1852 and 1854 by residents of Riverdale and Ogden City. The portion of the canal described here crosses under Riverdale Road near Washington Terrace and is eligible for the NRHP under Criterion A.
42Wb350	Site 42Wb350 consists of a portion of the historic Bamberger Electric Railroad originally constructed in 1908. The portion of the line described here crosses under Riverdale Road between 1900 West in Roy and I-15 and is eligible for the NRHP under Criterion A.

Table 3. NRHP-eligible Sites Within the APE

Property #	Construction Date	Architectural Style	Building Type	Original Use	Address/ Comments	NRHP Eligibility
4	c. 1955	Ranch/Rambler	Ranch with Garage	Single Dwelling	1450 W Riverdale	Eligible under C
7	c. 1953	Minimal Traditional	WWII-Era Cottage w/ Garage	Single Dwelling	1403 W Riverdale	Eligible under C
46	c. 1903	Victorian Eclectic	Crosswing - Double	Single Dwelling	4247 Riverdale	Eligible under C
47	c. 1949	Minimal Traditional	WWII-Era Cottage	Single Dwelling	4239 Riverdale	Eligible under C
82D	c. 1928	English Tudor	Period Cottage	Single Dwelling	3920 Riverdale	Eligible under C
94	c. 1928	Victorian Eclectic	Service Bay	Commercial-General	3802 Riverdale	Eligible under C
96	c. 1924	Bungalow	Bungalow	Single Dwelling	3760 Riverdale	Eligible under C
96B	c. 1936	English Tudor	Period Cottage	Single Dwelling	3750 Riverdale	Eligible under C
97	c. 1938	English Tudor	Period Cottage	Single Dwelling	3748 Riverdale	Eligible under C
98	c. 1939	English Tudor	Period Cottage	Single Dwelling	3730 Riverdale	Eligible under C
108	c. 1930	Modern: Other	Service Bay/ Business	Service Station	3555 Riverdale	Eligible under C
110	c. 1920	Modern Other	Commercial 1-Part Block	Specialty Store	3564/3560 Riverdale	Eligible under C
113	c. 1930	Modern: Other	Other Commercial/ Public	Industrial	3531 Riverdale	Eligible under C
117	c. 1910	Early - 20 <sup>th</sup> Century Arts and Crafts	DBL-Loaded Corridor Apt	Multiple Dwelling	3505 Washington	Eligible under C
119	c. 1920	Prairie School	Commercial - 2-	Mixed	3417-3427	Eligible under C



DETERMINATION OF ELIGIBILITY AND FINDING OF EFFECT SP-0026(4)0: SR-26 FROM 1900 W. TO WASHINGTON BOULEVARD

218	c. 1950	Modern/Other	Part Block Service Bay/ Business	Commercial/Res Service Station	Riverdale 1900 W Riverdale	Eligible under C
223	c. 1945	Late 20 <sup>th</sup> Century Other	Other Commercial/ Public	Specialty Store	1840 W Riverdale	Eligible under C
224	c. 1945	Minimal Traditional	WWII Era Cottage	Single Dwelling	5291 S 1825 W	Eligible under C

Table 4. NRHP-eligible Buildings Within the APE

Property No.	Construction Date	Property Description	NRHP-Eligibility
1727 W. 5225 S.	1930?	This property consists of three siphons (pipes) across the Union Pacific railroad tracks. All three siphons are different diameters. The siphons are a contributory element of the Davis-Weber Canal.	Eligible under A
1725 W. 5225 S.	1900?	This property consists of an open-trough flume that extends across the Union Pacific railroad tracks. It is a contributory element of the Davis-Weber Canal.	Eligible under A

Table 5. NRHP-eligible Structures Within the APE

Assessment of Avoidance

The design concept for this project proposes to generally follow the alignment of the existing road. Every effort has been made to avoid historic properties, however, consideration of other factors such as safety requirements and design standards were considered as well. Pursuant to the commitment to avoid NRHP-eligible properties, the UDOT considered the use of retaining walls, slope easements, and minor realignment of roadway features to avoid or minimize impacts to 2 eligible properties that would otherwise be affected by the ideal design of various alternatives.

Exhibit C illustrates the relationship of the build alternatives' design to all potentially affected NRHP-eligible historic properties. Six of the NRHP-eligible buildings and one NRHP-eligible historic site will be impacted by the various alternatives. None of the alternatives would avoid all of the historic properties located along the corridor (Exhibit C, Table 5). All of the impacted properties are summarized on Table 6.

DETERMINATION OF ELIGIBILITY AND FINDING OF EFFECT SP-0026(4)0: SR-26 FROM 1900 W. TO WASHINGTON BOULEVARD

Affected Historic Properties

The following properties will be impacted by the various build sub-alternatives:

42Wb343: Weber Canal

Site 42Wb343 is a segment of the historic Weber Canal, originally constructed between 1852 and 1854. The segment extends north and south in an S-shape and is bisected by Riverdale Road. The Canal is eligible for the NRHP under Criterion A.

Property Number 7: 1403 West Riverdale

This property consists of a Minimal Traditional World War II-Era Cottage single residence constructed ca. 1953 and is eligible for the NRHP under Criterion C.

Property Number 46: 4247 Riverdale Road

This property consists of a Victorian Eclectic single residence constructed ca. 1903 with an in-period addition and is eligible for the NRHP under Criterion C

Property Number	Address	Year	Type	Sub-Alternatives				
				A	B	C	D	E
300	42Wb343	1852	Canal	Y	N	N	N	N
7	1403 W Riverdale (Avoided w/ Retaining Wall)	1953	Minimal Traditional	N	N	N	N	N
46	4247 Riverdale	1903	Victorian Eclectic	N	N	N	N	N
47	4239 Riverdale	1949	Minimal Traditional	N	N	N	N	N
82D	3920 Riverdale	1928	English Tudor	N	N	N	N	N
94	3802 Riverdale	1928	Victorian Eclectic	N	N	N	N	N
108	3555 Riverdale	1930	Modern/Other	Y*	Y*	Y*	Y*	N

Legend Y The property will be adversely affected by the alternative  
N The property will not be adversely affected by the alternative  
\* Complete Take

Table 6: Potentially Impacted NRHP-eligible Properties Within the APE

Property Number 47: 4239 Riverdale Road

This property consists of a Minimal Traditional World War II-Era Cottage single residence constructed ca. 1949 and is eligible for the NRHP under Criterion C.



Property Number 82D: 3920 Riverdale Road

This property consists of a English Tudor Period Cottage single residence constructed ca. 1928. The building currently houses a salon and is eligible for the NRHP under Criterion C.

Property Number 94: 3802 Riverdale Road

This property consists of a Victorian Eclectic Commercial structure constructed ca. 1928. The structure currently houses an insurance office and is eligible for the NRHP under Criterion C.

Property Number 108: 3555 Riverdale Road

This property consists of a Modern Service Station constructed ca. 1930 and is eligible for the NRHP under Criterion C.

Finding of Effect

The UDOT has determined that 15 of the 22 historic properties eligible for the NRHP will not be impacted by the project; the Bamberger Railroad, 42Wb350, will not be impacted by the project due to an existing bridge that passes over the historic resource. Exhibit C illustrates the relationship between the historic properties that will be impacted by the project and the various alternatives for the entire length of the project. Accordingly, the UDOT has determined, pursuant to 36 CFR 800.4(d) and 800.5(a-d), that the implementation of the alternatives considered will result in a finding of **No Effect** on NRHP-eligible properties 1450 W. Riverdale Rd., 3760 Riverdale Rd., 3750 Riverdale Rd., 3748 Riverdale Rd., 3730 Riverdale Rd., 3564/3560 Riverdale Rd., 3525 Riverdale Rd., 3505 Washington Blvd., 3417-3427 Riverdale Rd., 1900 W. Riverdale Rd., 1840 W. Riverdale Rd., 5291 S. 1825 W., 1727 W. 5225 S., 1725 W. 5225 S., and 42Wb350.

Six-Lane A Alternative

The UDOT has concluded that implementation of the Six-Lane A Alternative will require the removal of a headwall from 42Wb343, the Weber Canal. The alternative will also result in a complete take for the property located at 3555 Riverdale Rd. There will be partial takes for the properties located at 4247 Riverdale Rd., 4239 Riverdale Rd., and 3802 Riverdale Rd., as well as a temporary easement on the properties located at 1403 Riverdale Rd. and 3920 Riverdale Rd. None of these partial takes or easements will affect those qualities that make the properties eligible for the National Register of Historic Places. Therefore, in accordance with 36 CFR 800.4(d) and 800.5(a-d), the UDOT has determined this alternative will have a **No Adverse Effect** on 4247 Riverdale Rd., 4239 Riverdale Rd., 3802 Riverdale Rd., 1403 Riverdale Rd., and 3920 Riverdale Rd. and an **Adverse Effect** on 42Wb343 and 3555 Riverdale Rd.

Six-Lane B Alternative

Construction of the Six-Lane B Alternative will result in a complete take for the property located at 3555 Riverdale Rd.; partial takes for the properties located at 4247 Riverdale Rd., 4239 Riverdale Rd., and 3802 Riverdale Rd.; and a temporary easement on the properties located at 1403 Riverdale Rd. and 3920 Riverdale Rd. None of these partial takes or easements will

affect those qualities that make the properties eligible for the National Register of Historic Places. Therefore, in accordance with 36 CFR 800.4(d) and 800.5(a-d), the UDOT has determined this alternative will have an **Adverse Effect** on 3555 Riverdale Rd., a **No Adverse Effect** on 4247 Riverdale Rd., 4239 Riverdale Rd., 3802 Riverdale Rd., 3920 Riverdale Rd., and 1403 Riverdale Rd., and **No Effect** on 42Wb343.

Six-Lane C Alternative

Construction of the Six-Lane C Alternative will result in a complete take for the property located at 3555 Riverdale Rd.; partial takes for the properties located at 4247 Riverdale Rd., 4239 Riverdale Rd., 3920 Riverdale Rd., and 3802 Riverdale Rd.; and a temporary easement on 1403 Riverdale Rd. and 3920 Riverdale Rd. None of these partial takes or easements will affect those qualities that make the properties eligible for the National Register of Historic Places. Therefore, in accordance with 36 CFR 800.4(d) and 800.5(a-d), the UDOT has determined this alternative will have an **Adverse Effect** on 3555 Riverdale Rd.; **No Adverse Effect** on 1403 Riverdale Rd., 4247 Riverdale Rd., 4239 Riverdale Rd., 3920 Riverdale Rd., and 3802 Riverdale Rd.; and **No Effect** on 42Wb343.

Six-Lane D Alternative

Construction of the Six-Lane D Alternative will result in a complete take for the property located at 3555 Riverdale Rd.; partial takes for the properties located at 4247 Riverdale Rd., 4239 Riverdale Rd., 3920 Riverdale Rd., and 3802 Riverdale Rd.; and a temporary easement on 1403 Riverdale Rd. and 3920 Riverdale Rd. None of these partial takes or easements will affect those qualities that make the properties eligible for the National Register of Historic Places. Therefore, in accordance with 36 CFR 800.4(d) and 800.5(a-d), the UDOT has determined this alternative will have an **Adverse Effect** on 3555 Riverdale Rd.; **No Adverse Effect** on 1403 Riverdale Rd., 4247 Riverdale Rd., 4239 Riverdale Rd., 3920 Riverdale Rd., and 3802 Riverdale Rd.; and **No Effect** on 42Wb343.

Six-Lane E Alternative

Construction of the Six-Lane E Alternative will result in partial takes for the property located at 3802 Riverdale Rd. and temporary easements on properties 1403 Riverdale Rd., 3920 Riverdale Rd., 4247 Riverdale Rd., and 4239 Riverdale Rd. None of these partial takes or easements will affect those qualities that make the properties eligible for the National Register of Historic Places. Therefore, in accordance with 36 CFR 800.4(d) and 800.5(a-d), the UDOT has determined this alternative will result in a **No Adverse Effect** on properties 3802 Riverdale Rd., 1403 Riverdale Rd., 3920 Riverdale Rd., 4247 Riverdale Rd., and 4239 Riverdale Rd. This alternative will also result in a finding of **No Effect** on 42Wb343 and 3555 Riverdale Rd.

In summary, the project finding of effect will be **Adverse Effect, No Adverse Effect, and No Effect** for the Six-Lane A, B, C, D, and E Alternatives. To further ensure the implemented build alternative will have no effect on the historic properties not directly impacted by the project, a special provision (Exhibit D: Limitation of Operations) will be added to the construction contract. This special provision prohibits any ground-disturbing activities by the construction contractor outside of the area of effect, as shown in the design plans and as exhibited by orange fencing in the field.



Finally, pursuant to 36 CFR 800.6(c)(6), the UDOT and the FHWA have planned for "discovery" situation by developing a formal process outlined in Exhibit E: Discovery Procedures.

**Proposed Mitigation**

Pursuant to 36 CFR 800.6, the following measures are offered to facilitate consultation with USHPO regarding methods to minimize the effects of the project on the historic qualities of these properties. The UDOT is in the process of soliciting the views of interested parties. Further, the UDOT has recommended that historic property 42Wb343, which is NRHP-eligible under Criterion A be documented in an Addendum to the existing Intermountain Antiquities Computer System (IMACS) Form. This task is complete for this site; therefore, mitigation for impacts to this site is effectively complete. The historic properties eligible under Criterion C will be documented to Utah State Intensive Level Survey (ILS) standards in advance of construction activity, which may impact the property.

If the USHPO agrees with the UDOT Finding of Effect then the following mitigation measures will be executed: (1) If any of the Six-Lane A-D Alternatives are implemented, the UDOT will ensure that the property at 3555 Riverdale Rd. is documented to the USHPO ILS standards, (2) If the Six-Lane E Alternative is implemented then no further documentation will be required by the UDOT.

If the USHPO agrees the above preservation plan fully takes into account the effects of the alternatives on the historic properties located within the APE, the UDOT will develop a Memorandum of Agreement (MOA) pursuant to 36 CFR 800.6(b). The MOA will also include stipulations for planning for discovery and monitoring, review of implementation, and measures for dispute resolution, and include provisions specific to the Utah Native American Graves Protection & Repatriation Act (UNAGPRA). The UDOT will notify the USHPO which alternatives are selected and what affect that alternative will have historic properties.

**SECTION 4(f) CONSIDERATIONS**

This section has been included to facilitate USHPO and ACHP consultation concerning the applicability of Section 4(f) of the Department of Transportation Act of 1966, as amended. Consultation with the USHPO and the Council concerning Section 4(f) applicability is required by 23 CFR 771.135 (52 Federal Register 167, pp. 32667-32669, August 28, 1987).

Title 23 of the Code of the Federal Regulations 771.135(a), Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303) states, "The Administration may not approve the use of land from...any significant historic site unless a determination is made that:

- (i) There is no feasible and prudent alternative to the use of land from the property; and

- (ii) The action includes all possible planning to minimize harm to the property resulting from such use

Paragraph (1)(e) of this regulation states that Section 4(f) requirements "apply only to sites on or eligible for the National Register unless the Administration determines that the application of Section 4(f) is otherwise appropriate." Paragraph 2 states that this regulation "does not apply to archeological sites where the Administration, after consultation with the SHPO and the ACHP, determines that the archeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place."

Finally, this regulation implicitly states that an historic property must be "used" by a project in order for the FHWA to make a 4(f) determination. A "use" occurs when land from a 4(f) site is permanently incorporated into a transportation facility, an adverse temporary occupancy of the 4(f) property occurs, or when there is constructive use of a property as per 23 CFR § 771.135(p).

Temporary easements on properties under the various alternatives will not be considered a "use" of the land if the construction activities meet the requirements as put forth in 23 CFR § 771.135(p)(7), which states:

A temporary occupancy of land is so minimal that it does not constitute a use within the meaning of section 4(f) when the following conditions are satisfied:

- (i) Duration must be temporary
- (ii) Scope of the work must be minor
- (iii) There are no anticipated permanent adverse physical impacts, nor will there be interference with the activities or purposes of the resource, on either a temporary or permanent basis
- (iv) The land being used must be fully restored
- (v) There must be documented agreement of the appropriate Federal, State, or local officials having jurisdiction over the resource regarding the above conditions

**4(f) Determination**

Based on the above criteria and the Determinations of Eligibility and Finding of Effect presented in this document, the UDOT and the FHWA have determined that section 4(f) considerations do apply to the historic properties along the Riverdale Road Project corridor if the Alternatives A, B, C, or D are implemented. If Alternative A is implemented, section 4(f) considerations apply to historic properties 42Wb343, 3555 Riverdale Rd., 4247 Riverdale Rd., 3802 Riverdale Rd., and 4239 Riverdale Rd. If Alternative B is implemented, section 4(f) considerations apply to historic properties 3555 Riverdale Rd., 4247 Riverdale Rd., 4239 Riverdale Rd., 3802 Riverdale Rd. If Alternative C or D is implemented, section 4(f) considerations apply to historic properties 3555 Riverdale Rd., 4247 Riverdale Rd., 4239 Riverdale Rd., 3920 Riverdale Rd., and 3802 Riverdale Rd. If Alternative E is implemented, section 4(f) considerations apply to historic property 3802 Riverdale Rd.

If an archaeological site is “discovered” during construction, the FHWA will determine, as part of the evaluation and consultation process, whether or not Section 4(f) considerations apply to the discovered site.

Execution of the MOA between the FHWA, the USHPO, and the ACHP would serve as “all possible planning to minimize the harm to the property resulting from such use,” as stated in condition (ii) of paragraph (a), above. The MOA will contain provisions for HABS, HAER, and/or ILS documentation and data recovery if appropriate if any of the build alternatives are implemented. Additional stipulations providing for dispute resolution and review of implementation also serve to satisfy the mandate that “all measures to minimize harm” are considered.

REFERENCES CITED

Polk, Ann S., Michael R. Polk and Wendy Simmons Johnson

2003 *A Cultural Resource Inventory and Reconnaissance Level Survey for the Riverdale Road Project in Ogden, South Ogden, Riverdale and Roy, Weber County, Utah*. Sagebrush Consultants, L.L.C., Ogden; Cultural Resources Report No. 1246.

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